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RUEAWJA/DEPT OF JUSTICE WASHDC  
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UNCLAS SECTION 01 OF 10 BRASILIA 000250

SENSITIVE BUT UNCLASSIFIED  
SIPDIS

DEPARTMENT FOR G/TIP MARK TAYLOR AND BARBARA FLECK, WHA/PPC FOR SCOTT MILLER, WHA/BSC FOR CAROLINE CROFT AND BENJAMIN CHIANG, INL, DRL, AND PRM. USAID.

E.O 12958: N/A

TAGS: [KTIP](#) [KCRM](#) [PHUM](#) [KWMN](#) [SMIG](#) [KFRD](#) [ASEC](#) [PREF](#) [ELAB](#) [BR](#)

SUBJECT: BRAZIL: NINTH ANNUAL TRAFFICKING IN PERSONS (TIP) REPORT, PART 2 OF 3

REFS: 08 STATE 132759, 08 Brasilia 35, 08 Brasilia 56, 08 Brasilia 471, 08 Brasilia 594, 08 Brasilia 760, 08 Brasilia 941, 08 Brasilia 962, 08 Brasilia 1506, 08 Brasilia 1588, 08 Brasilia 1608, 08 Brasilia 1686, Brasilia 79, Brasilia 102, 08 Recife 46, 08 Rio 172, 08 Rio 347, 08 Sao Paulo 117, 08 Sao Paulo 276, 08 Sao Paulo 412, 08 Sao Paulo 432, 08 Sao Paulo 620, 08 Sao Paulo 678, Sao Paulo 18.

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INVESTIGATION AND PROSECUTION OF TRAFFICKERS  
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(NOTE: Answers correspond to questions in ref A, para. 25. END NOTE)

Section A

¶1. (SBU) (U) The Full Inventory of TIP Legislation: Laws prohibiting trafficking are contained in the Brazilian Penal Code, Articles 231, 231-A, 206, and 207, and the Statute of Children and Adolescents. In addition, Article 149 of the Brazilian penal code prohibits "reducing someone to a condition analogous to slavery," and is used to prosecute forced labor cases that are the result of trafficking, often in combination with Article 207, the law against domestic trafficking. Brazil has not enacted any new TIP legislation in the reporting period.

¶2. (U) Article 231, International trafficking in persons, amended March 28, 2005 by Law 11,106, states:

Promoting, intermediating, or facilitating the entry on national territory of a person who might practice prostitution or the exit of a person to practice it abroad.

Penalty: imprisonment, three to eight years, and a fine. If any of the circumstances described in Article 227, section 1, apply, the penalty is four to ten years imprisonment and a fine. If violence, threat or fraud is used, the penalty is five to twelve years imprisonment and fine, as well as any additional penalties for the violent act(s).

¶3. (U) (Note: Article 227, section 1, applies to crimes involving persons under the age of 18, or when the perpetrator is a close relative as defined in the text, companion, tutor, healer, employer, or legal or other type of guardian; section 2, when the crime was committed through the use of violence, threat, or fraud; section 3,

with a profit-making intent. End note.)

¶4. (U) Article 231-A, Internal Trafficking of Persons, created March 28, 2005 by Law 11,106, states:

Promoting, intermediating, or facilitating, on the national territory, the recruitment, transport, transfer, lodging or receipt of a person who might practice prostitution.

Penalty - imprisonment, from three to eight years, and a fine.

¶5. (U) Article 206, Enticement for the purposes of emigration, created July 7, 1993 by Law 8,683 and states:

Recruiting workers, using fraud, for the purposes of taking them to foreign territory.

Penalty: imprisonment, from one to three years, and a fine.

¶6. (U) Article 207, Enticement of workers from one place to another in national territory, created or amended December 29, 1998 by law 9,777, states:

Enticing workers, for the purpose of taking them from one place to another on national territory.

Penalty: one to three years imprisonment, and a fine.

Section 1: the same penalty applies for anyone who recruits workers outside of the workplace, within national territory, through fraud of any type of charge to the worker, or, even, without ensuring the

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worker's return to his place of origin.

Section 2: the penalty is increased by one sixth to one third if the victim is under 18, a senior citizen, pregnant, indigenous, or mentally or physically handicapped.

¶7. (U) Article 149, Reduction to a condition analogous to slavery, created or amended December 11, 2003 by law 10,803, states:

Reducing someone to a condition analogous to slavery, whether submitting him to forced labor or an exhaustive work-day, whether subjecting him to degrading working conditions, whether restricting, by any means, his movement because of debt incurred with the employer or pre-imposed.

Penalty: two to eight years imprisonment, and fine, aside from the penalty for violence.

Section 1: the same penalties are incurred by anyone who

I: restricts the worker's use of any form of transportation, for the purpose of keeping him on the workplace

II: maintains visible security at the workplace or seizes the worker's identity documents or personal objects for the purpose of keeping him at the workplace.

Section 2: The penalty is increased by one half if the crime is committed:

I: against a child or adolescent

II: out of prejudice against race, color, ethnicity, religion, or origin.

¶8. (U) On February 12, 2009, the National Secretary of Justice signed an order creating a working group to study current Brazilian legislation in order to improve its anti-TIP provisions.

Section B:

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¶9. (SBU) The penalties for Articles 231 and 231-A (international and internal sex trafficking) are three to eight years imprisonment and fines (no value specified).

Section C:

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¶10. (SBU) The penalties under Articles 206 and 207 (international and internal labor trafficking) are one to three years imprisonment and a fine. The penalties under Article 149 (reducing someone to a condition analogous to slavery) are two to eight years imprisonment and a fine. The GOB and some NGOS were working to modify the laws to apply to trafficking for any purpose, to include forced labor and child labor. Article 149 of the penal code (reduction to a condition analogous to slavery) forbids restricting a worker's movement by taking his documents. The anti-trafficking laws are silent on switching contracts and withholding salaries to keep the worker in a state of service.

¶11. (SBU) Proposed legislation to allow the GOB to confiscate and redistribute property on which slave labor has been employed is still pending. As of February 2009, the Chamber of Deputies had not voted on the proposal. The bill (Proposed Constitutional Amendment 438/2001) has been in the Chamber of Deputies since 2001 and has been passed in committee and by the Senate. The final step is a vote by the full Chamber of Deputies, but it is uncertain whether leaders will agree to bring it up for a vote because many deputies representing rural interests oppose it.

¶12. (SBU) The October 2006 presidential decree on human trafficking included among its goals modifying the law so that the same criminal penalties that apply for trafficking of persons for sexual exploitation also applied to trafficking for the purposes of forced or child labor. Absent strong criminal penalties for those offenses, the GOB had earlier passed a decree that created the "Dirty List" of individuals and companies that have been convicted in civil or labor courts of using forced or slave labor. The list was established in 2004 by way of Federal regulation. In 2006, the GOB enacted another federal regulation that allowed the GOB to share

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the names on the list with Brazilian banking associations. Banking association members have since been denying credit to those individuals and companies whose names appear on the 'Dirty List.'

¶13. (SBU) The "Dirty List" is now updated every six months by the Ministry of Labor and published on its website. Names remain on the list for two years unless ordered removed sooner by judicial decree after appeal by the convicted.

¶14. Violators of labor trafficking laws are fined and ordered to pay indemnization to workers. According to Ministry of Labor statistics, indemnizations ordered during 2008 amounted to 8,945,092 Brazilian reals, or about USD 3,580,000, the result of 154 inspections on 290 farms by the MTE mobile units that freed 5,016 workers. In 2007, the MTE conducted 116 inspections, rescued 5,999 workers, and ordered 9,914,276 Brazilian reals (about USD 4 million) in indemnizations.

Section D:

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¶15. (SBU) The penalties for rape and forcible sexual assault are six to ten years imprisonment. Human traffickers involved in trafficking for sexual exploitation receive the same penalty.

Section E:

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¶16. (SBU) Brazil is a source country for internal and international sex trafficking as well as for internal forced labor trafficking. Brazil has successfully prosecuted many cases of international sex trafficking, has levied fines for labor trafficking, and criminally prosecuted 11 labor trafficking cases but there were no convictions. The February 2009 UNODC Global Report on Trafficking in Persons states, "All convictions for trafficking in persons offenses refer to sexual exploitation" (p. 155). Brazil's focus on labor trafficking has been on civil penalties (fines), prevention and protection. The MTE, Federal Labor Police, and the Public Labor Ministry (Ministerio Publico do Trabalho) have investigative and

civil authority, while the Federal Public Ministry has criminal prosecutorial authority. There is no systemic mechanism to refer the results of investigations to the Federal Public Ministry for criminal prosecution. As a result, fines are imposed but criminal charges are not routinely brought in child and forced labor cases. Mission also notes that as it is easier to convict on charges other than TIP, TIP cases are often prosecuted on other grounds. RLA has formed a partnership with federal prosecutors in order to make criminal prosecutions a reality. In addition, Mission formed a TIP Working Group in 2007 that includes representatives from the State Department (chair), Justice Department (vice-chair), USAID and law enforcement and meets regularly with the goal of assisting Brazil to meet its TIP obligations.

¶17. (U) Federal Police statistics for trafficking offenses (Note: data are available for the period 1999-2004 and Mission will provide on request. End note.)

¶18. (U) Article 231 (International sex trafficking)

2005:

Investigations: 119  
Indictments: 103  
Persons Arrested: 39

2006

Investigations: 105  
Indictments: 76  
Persons Arrested: 68

2007

Investigations: 111  
Indictments: 47  
Persons Arrested: 20

2008

Investigations through July 31 only: 55  
Indictments, whole year: 21  
Persons Arrested, as of July 2: 50

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According to the Federal Police, the majority of the indicted persons were females, the most common age range was 23-27 years, and the state with the most investigations and indictments was Goias.

¶19. (U) Article 231-A (Internal sex trafficking of persons)

2005

Indictments: 5  
Persons indicted: 5  
Investigations leading to indictment: 3

2006

Indictments: 18  
Persons indicted: 18  
Investigations leading to indictment: 3

2007

Indictments 0  
Persons indicted: 0  
Investigations leading to indictment: 0

2008

Indictments: 2  
Persons indicted: 2  
Investigations leading to indictment: 2

¶20. (U) Article 206 (Enticement for the purpose of emigration)

2005

Indictments: 49  
Persons indicted: 47  
Investigations leading to indictment: 22

2006

Indictments: 12  
Persons indicted: 12  
Investigations leading to indictment: 8

2007  
Indictments: 6  
Persons indicted: 6  
Investigations leading to indictment: 3

2008  
Indictments: 1  
Persons indicted: 1  
Investigations leading to indictment: 1

¶21. (U) Article 207 (Enticement of workers from one place to another on national territory)

2005  
Indictments: 43  
Persons indicted: 43  
Investigations leading to indictment: 20

2006  
Indictments: 32  
Persons indicted: 31  
Investigations leading to indictment: 19

2007  
Indictments: 24  
Persons indicted: 24  
Investigations leading to indictment: 16

2008  
Indictments: 6  
Persons indicted: 6  
Investigations leading to indictment: 4

¶22. (U) Article 149 (Reduction to a condition analogous to slavery) and Article 207 (Enticement of workers from one place to another on national territory)

2005  
Indictments: 29

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Persons indicted: 29  
Investigations leading to indictment: 12

2006  
Indictments: 6  
Persons indicted: 6  
Investigations leading to indictment: 4

2007  
Indictments: 17  
Persons indicted: 17  
Investigations leading to indictment: 11

2008  
Indictments: 5  
Persons indicted: 5  
Investigations leading to indictment: 5

¶23. (U) Article 149 (Reduction to a condition analogous to slavery)

2005  
Indictments: 86  
Persons indicted: 84  
Investigations leading to indictment: 32

2006  
Indictments: 60  
Persons indicted: 59  
Investigations leading to indictment: 32

2007

Indictments: 51

Persons indicted: 49

Investigations leading to indictment: 31

2008

Indictments: 31

Persons indicted: 31

Investigations leading to indictment: 23

¶24. (U) Statistics released by the UNODC on February 12, 2009 provide additional statistics on prosecutions, as follows:

¶25. (U) Cases of trafficking in persons investigated by the Federal Police in Brazil, 2003-2007. (Source cited: Federal Police databank.)

2003: 55

2004: 71

2005: 118

2006: 105

2007: 109

(Note: the Federal Police statistics cited above in paras. 37-42 include only investigations leading to indictment, while data in paras. 38 and 44 are for all trafficking investigations regardless of whether they led to indictments. End note.)

¶26. (U) Cases of trafficking in persons prosecuted as a result of Federal Police investigations in Brazil, 2003-2006. (Source cited: Federal Police databank.)

2003: 7

2004: 1

2005: 12

2006: 11

¶27. (U) Cases of trafficking in persons investigated by State police in Brazil, 2003-2007. (Source cited: ILO - Proteger e Responsabilizar study.)

2003: 11 all international

2004: 10 all international

2005: 30; 9 international, 21 internal

2006: 12; 11 international, 1 internal

2007: 9; 8 international, 1 internal

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¶28. (U) Cases of trafficking in persons prosecuted as a result of State Police investigations in Brazil, 2003-2006. (Source cited: ILO - Proteger e Responsabilizar study.)

2003: 2 both international

2004: 1 international

2005: 18; 7 international, 11 internal

2006: 23; 8 international, 15 internal

¶29. (U) Persons convicted in federal and state courts of trafficking in persons in Brazil, by gender, 2004-February 2008. (Source cited: Federal Police databank, Federal Justice system, and local courts.)

2004: 7; 3 men, 4 women

2005: 3; 2 men, 1 woman

2006: 22; 12 men, 10 women

2007 (through February 2008): 7; 3 men, 4 women

¶30. (U) Sanctions imposed by federal and state courts for trafficking in persons in Brazil (Source cited: Federal Police databank, Federal Justice system, local courts.)

2004: 1-5 years, 6 sentences; 5-10 years, 1 sentence

2005: 1-5 years, 3 sentences; 5-10 years, no sentences

2006: 1-5 years, 8 sentences; 5-10 years, 14 sentences

2007: 1-5 years, 2 sentences; 5-10 years, no sentences

¶31. (U) Cases of slave labor (Article 149 of the penal code) investigated by Federal Police in Brazil (2003-2007) (Source cited: Federal Police databank.)

2003: 52  
2004: 130  
2005: 128  
2006: 117  
2007: 200

¶32. (U) Victims of trafficking in persons identified by federal and state courts in Brazil during criminal proceedings, by age, 2004-2007 Source cited: Federal and state courts.)

2004: 14; 3 girls, 11 women  
2005: 9 women  
2006: 57; 5 girls, 52 women  
2007: 5 women

¶33. (U) Persons found in slave labor conditions by the Federal Mobile Group from the Ministry of Labor in Brazil, 2003-2007 (Source cited: Ministry of Labor)

2003: 5223  
2004: 2887  
2005: 4348  
2006: 3417  
2007: 5975

¶34. (U) According to the Ministry of Labor, the Ministry's Mobile Groups had found 5,016 persons in slavery conditions in 154 operations on 290 farms in 2008, compared with 85 operations in 2005, 109 in 2006, and 116 in 2007. According to the February 2009 UNODC TIP report, all victims of slave labor identified by the Federal Mobile Group were citizens of Brazil and almost all of them were adult males.

¶35. (U) Apart from Article 149 cases (conditions analogous to slavery) consolidated TIP statistics for 2008 are unavailable. Statistics provided to the Mission by Federal Police show 50 persons arrested on international sex trafficking charges as of July 2, 2008, while a press report (next para.) cited a total of 59 such arrests for all of 2008. Mission has compiled some arrest and conviction information from information provided by the Federal Police, Public Ministry press releases and commercial media reports.

(Note: Mission notes an apparent gap in information for the period from May 2008 through January 2009 and cannot account for it End note.) This information follows below:

¶36. (U) In 2008, Federal Police arrested 59 persons for

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international trafficking in persons, nearly triple the number in 2007, when they arrested 20 persons. A Federal Police investigator told media the statistic does not necessarily represent an increase in trafficking, but since anti-trafficking legislation is still relatively new, it shows the police are confronting trafficking more broadly. (Source: O Estado de Sao Paulo, Jan. 25, 2009.)

¶37. (U) Federal Police in Espirito Santo state broke up two international trafficking groups in April 2008 and charged 12 persons with international trafficking. In one case Federal Police charged four female members of the same family, with international trafficking in persons to Italy for prostitution, with possible penalties of three to eight years in prison and up to eight if the victim is a minor or a close relative of the trafficker.

¶38. (U) The second group of traffickers also was allegedly involved in trafficking of women to Italy, and involved five persons resident in Italy, including the group's head, a Brazilian woman; her companion, an Italian man; a Brazilian man; and a Brazilian women and a Brazilian national whose sex is not clear from the first name (Daniele). In Brazil, the traffickers were two Brazilian women and a Brazilian man. Brazilian authorities requested extradition of the Brazilians from Italy. (Note: Federal Police statistics for this

Operation, dubbed Treviso, cite 14 arrests, while later press reports and a Public Ministry releases cite 12. Charges against two of the accused may have been dropped, or the Federal Police statistic is off by two. End note.)

¶39. Federal Police arrested six persons in Mato Grosso and Goias on March 5, 2008, for international sex trafficking crimes in Operation Madrid. One of the trafficking groups consisted of three women, one man, and the other, of two women.

¶40. On April 30, Federal Police arrested 18 persons in Operation Anjos do Sol in Eusebio, Ceara, and one person in Curitiba, Parana, on internal sex trafficking charges involving a hotel that was a front operation for a brothel.

¶41. On April 24, Federal Police arrested 11 persons in Sao Paulo city and state on charges that included international sex trafficking in Operation Santa Teresa.

¶42. (U) In January 2009 Federal Police in Goias state charged six persons with international sex trafficking from Brazil to Switzerland. The accused are two Brazilian men, two Brazilian women, and two Swiss men. Federal Police are asking the court to convict them under Article 231 (international sex trafficking) of the Brazilian Penal Code, as well as other offenses such conspiracy. The case is pending.

¶43. (U) In January 2009 the Federal Public Ministry in Rondonia state accused a Brazilian woman of trafficking in persons for illegally bringing four Chinese men into Brazil in December 2008. The Chinese were to have gone to Sao Paulo to work but were ordered expelled by authorities.

¶44. (U) In March 2008 a federal judge in Goias state convicted four persons on trafficking charges in a case involving trafficking of women to Spain and Portugal for prostitution. Two women were sentenced to 66 months in prison and fined 6.4 times the minimum monthly salary, a man was sentenced to 72 months in prison and fined 36 times the minimum monthly salary, and a fourth, also a man, was sentenced to 49 months in prison. Press reports at the time noted that they were to remain free while appealing but the prosecutor would appeal the judge's decision to release them. The investigation began in 2004 and they were arrested in 2005.

¶45. (U) In March 2008 a federal court in Goias state sentenced a Spanish man to 13 years in prison and fined him 535 months of minimum wage salary for international sex trafficking in 2005 and ¶2006. The court also ordered the seizure of all property he obtained in that period. Three women were also convicted in the case. One was sentenced to over 10 years in prison and fined 62 months of minimum wage salary, another to 14 months in prison, and another to two years two months in prison. Four women were acquitted.

¶46. (U) In April 2008 a federal judge convicted 11 members of a

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trafficking gang in Goias state to over 75 years in prison on international sex trafficking charges. The gang consisted of two married couples, the daughter of one couple, and several female associates. The nine women and two men in four Brazilian states were involved sex trafficking of Brazilian women to Spain, mainly through travel agencies they operated. One of the women was sentenced to 12 years nine months in prison and fined 125 months of minimum wage salary, while her husband was sentenced to over nine years in prison and fined 83 months of minimum wage salary. The other sentences were shorter.

¶47. (U) In April 2008 a court in Joacaba, Santa Catarina, sentenced two Brazilian men to prison for international sex trafficking in 2001 and 2002 when they brought four Paraguayan women to work in a nightclub in Joacaba. One man was sentenced to 13 years, five months, in prison, the other to 11 years, 10 months.

¶48. (U) Two Brazilian men were convicted in a federal court in Rondonia state on trafficking in persons charges in January 2009.

They were charged in September 2008 after Federal Police arrested them for transporting eight Chinese who had entered Brazil illegally from Bolivia. One of the Brazilians was sentenced to four years, two months, in prison on a false documents charge, and nine months, eight days, for bringing an illegal alien into the country. The other man was sentenced to one year, eight months, in prison.

¶149. (U) In slave labor situations, employers are usually fined but not criminally prosecuted, although the February 12, 2009, UNODC Global TIP Report says, "Of the cases investigated under the slave labor offence, a total of 11 were prosecuted by the federal court with no convictions" (p. 155).

¶150. (U) According to the Trinational Study About Trafficking in Women from Brazil and the Dominican Republic to Suriname, Brazil had 34,500 reports of slave work between 1996 and 2005 (sourced to the Pastoral Land Commission and ILO) and 5.1 million children and adolescents working in Brazil, which accounts for 5.7% of the total working population. (Source cited: 2006 PNAD, the national sample survey of households.) The 2007 PNAD states that there was a drop in the number of working children between the ages of 5 and 15, ages at which work is illegal, from 2,934,000 million in the 2005 PNAD to 2,718,000 in the 2006 PNAD. (2007 PNAD, p. 126)

Section F:

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¶151. (SBU) The GOB made a very strong effort and devoted significant resources to provide updated training for law enforcement officials, diplomatic and consular officers, and public agents and court officials on TIP and associated legislation. NGOs such as Reporter Brasil and the Association for the Defense of Women and Youth (ASBRAD, a shelter and assistance program for abused women and adult women and child TIP victims) often assisted in GOB training programs, as did the ILO, UNODC, and USAID.

¶152. (SBU) The Federal Police instituted an anti-TIP training program several years ago that focused on how to identify and investigate TIP cases. That program continued with an added emphasis on internal trafficking, as required by modifications to Sections 231 and 231-A of the Penal Code.

¶153. (SBU) In mid-2006, the Federal Highway Police instituted an intensive training program in an effort to combat internal trafficking of persons more effectively. During 2007, Federal Highway Patrol Officers in the cities of Brasilia, Sao Paulo, Natal, Belem, Teresina, Vitoria, Parana, Boa Vista, Sao Luis, Manaus, Maceio, and Macapa participated in anti-TIP training. Class sizes of 60-95 officers ranking from junior patrolmen to senior inspectors participated in the two-day courses. This training continued in 2008, and Federal Police and ICE conducted joint training, including trafficking in persons, in 2008.

¶154. (SBU) The GOB gave anti-TIP courses to public prosecutors and court officials to update them on changes to legislation, in particular relevant sections 231 and 231-A. In addition, the Ministry of External Affairs continued to provide TIP training to diplomatic and consular officials posted overseas to help them identify and assist TIP victims and facilitate their repatriation to

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Brazil.

¶155. (U) In November 2008 the GOB conducted a training seminar on trafficking in persons in Brasilia for an audience of 200, including Federal Police agents, Federal Highway Police, and others. It included the participation of specialists from Italy, the Netherlands, Argentina, and Spain. The Federal Police and the U.S. Immigration and Customs Enforcement (ICE) will conduct their first joint training program on trafficking in persons in April 2009 in Maranhao state.

¶156. (U) SNJ officials said trafficking in persons is included in training for police and judiciary officials under the National Program Skills Enhancement and Training for the Fight Against Corruption and Money Laundering (Programa Nacional de Capacitacao e

Treinamento para o Combate a Corrupcao e Lavagem de Dinheiro - PNLD), an ongoing program that has been in existence since 2004. According to the MOJ, over 2400 agents (1000 since 2007) have completed some type of PNLD training. On the MOJ website, TIP is one of the subjects in the PNLD money laundering course. Mission's Resident Legal Adviser organized a training seminar in Espirito Santo state on combating child pornography immediately after President Lula signed the new child pornography law last November. Four hundred law enforcement agents, judges and prosecutors received information about the new law. The seminar ensured that all parts of the justice sector were ready, able and willing to enforce the new law. Speakers included the chairman of the Brazilian Senate investigative committee on child pornography and officials from the Departments of Homeland Security and Justice.

Section G:

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¶57. (SBU) The Federal Police cooperated with the governments of Spain, Portugal, Italy, Canada, Switzerland, Mexico and the U.S. to investigate and prosecute TIP cases. The Federal Police cooperate with INTERPOL and foreign federal police agencies on international human trafficking cases. The GOB has signed treaties providing for legal cooperation and assistance with 15 countries and similar agreements were being negotiated with other countries. While the actual number of cooperative international investigations on human trafficking is not available, the Federal Police continued to work with foreign countries to conduct anti-trafficking investigations.

¶58. (SBU) During 2008 Federal Police launched a number of operations to curb international trafficking. The GOB was active in the last year in efforts to work with other governments to exchange information on potential trafficking networks and to establish procedures for the repatriation of victims.

¶59. (SBU) Brazil's leadership in the NINOSUR working group with Mercosur countries helped expand services along land borders to youth TIP victims. The group has approved the USAID-developed service methodology as the model to be used in the expansion of the program. In short, the program required that TIP victims be provided protection and social services on either side of the border, regardless of their nationality. The Ninosur program is still ongoing in 2009.

¶60. (SBU) Brazil also worked in partnership with the International Labor Organization (ILO) on projects to educate other governments about trafficking for sexual exploitation from Brazil to their countries. The partnership aimed to improve data collection and analysis about TIP for sexual exploitation and forced labor. GOB law enforcement officials, notably the Federal Police, also worked closely with a number of their counterparts in Western European countries to identify and disrupt trafficking rings, free victims, and when possible repatriate them to Brazil. This resulted in an increasing number of arrests of international traffickers on both sides of the Atlantic.

Section H:

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¶61. (SBU) The GOB cooperated with foreign governments to extradite non-citizens. The Constitution prohibited the extradition of Brazilian citizens; this clause cannot be changed, even by Constitutional Amendment, because it is a "clausula petrea," (stone

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clause) and therefore constitutionally protected from amendment. Naturalized citizens may be extradited if the offense occurred before naturalization. Trafficking in persons offenses are not included in the U.S.-Brazil bilateral extradition treaty and as a result, were there to be such a case, Brazil would not extradite an American citizen on trafficking charges. (Note: For the same reason, according to ICE, the United States would not extradite a TIP defendant to Brazil. End note.) With the exception of the Brazil-U.S. extradition treaty, all of Brazil's extradition treaties cover TIP since they state that when an act is a crime in both signatory countries the offense is extraditable, according to SNJ

officials.

Section I:

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I62. (SBU) There was no evidence of institutional GOB complicity in human trafficking, according to SNJ, ICE, and Mission Internet searches.

Section J:

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I63. (SBU) There is no evidence to suggest government corruption exists in connection with trafficking, according to SNJ, ICE, and Mission Internet searches, but it is not clear whether corruption could be playing a role in the failure to prosecute more cases.

SOBEL